IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 13764 of 2001

Between:

Madanepalle Municipality, represented by its Commissioner,
Madanepalle, Chittoor District.

..... PETITIONER

AND

1 V.Venkataramana S/o.Subbanna, N.M.R.
Madanepalle Municipality, Chittoor District.
2 K.Ramakrishna S/o.Narayana, N.M.R.
Madanepalle Municipality, Chittoor District.
3 G.Subbanna S/o.Subbaiah, N.M.R.
Madanepalle Municipality, Chittoor District.
4 T.Rangachari S/o.Vemanari, N.M.R.
Madanepalle Municipality, Chittoor District.
5 R.Venugopal S/o.Krishna Murthy, N.M.R.
Madanepalle Municipality, Chittoor District.
6 B.Pandu Rangaiah S/o.Munuswamy, N.M.R.
Madanepalle Municipality, Chittoor District.
7 B.Prabhakar S/o.Chennapa, N.M.R.
Madanepalle Municipality, Chittoor District.
8 K.Krishna Reddy S/o.Obul Reddy, N.M.R.
Madanepalle Municipality, Chittoor District.
9 K.Sankara S/o.Narayana, N.M.R.
Madanepalle Municipality, Chittoor District.
10 S.Ramanjulu S/o.Venkataramana, N.M.R.
Madanepalle Municipality, Chittoor District.
11 C.Krishna Murthy S/o.Linganna, N.M.R.
Madanepalle Municipality, Chittoor District.

12 V.Sreenivasulu S/o.Venkataswamy, N.M.R.
Madanepalle Municipality, Chittoor District.
13 K.Venkataramana S/o.Peddanna, N.M.R.
Madanepalle Municipality, Chittoor District.
14 K.Ramana S/o.Subbanna, N.M.R.
Madanepalle Municipality, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari and call for the records pertaining to the order dt.7/3/2001 passed in O.A.No.2596/1998 dt.7/3/2001 by the A.P.Administrative Tribunal and quash the same.

Counsel for the Petitioner: MR.S.I.NEWTON

Counsel for the Respondents: MR.P.RAGHAVENDRA REDDY

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed by Madanapalle Municipality assailing the order passed by A.P. Administrative Tribunal (hereinafter referred to as the Tribunal) in O.A.No.2596 of 1998, dated 7.3.2001.

2. The matter relates to regularization of services of daily wage employees employed in Madanapalle Municipality. It is the case of the applicants that they are entitled for regularization in terms of G.O.Ms.No.1320, Municipal Administration, dated 15.12.1981, G.O.Ms.No.1211, Municipal Administration, dated 18.10.1989 and G.O.Ms.No.1, Municipal Administration, dated 1.1.1998. The Tribunal, however, relying on the Judgment of this Court in Writ Petition No.7175 of 1997 and batch, dated 23.2.2001, allowed the aforesaid OA. Against which the present Writ Petition has been filed.

3. The learned Standing Counsel for Madanapalle Municipality submits that the judgment relied on by the Tribunal does not relate to municipal employees and the said judgment was the subject matter in Writ Appeal and moreover the matter is also pending before the Supreme Court.

4. The learned counsel for the respondents also submits that the judgment relied on by the learned Tribunal is not applicable to the facts of this case, but, on the other hand the judgment of this Court in Writ Petition No.14909 of 2002 and batch, dated 10.11.2003 is directly on the point and the applicants are entitled for the relief as prayed for in terms of that judgment.

5. After having heard the learned counsel for the parties, we are of the considered view that the matter requires reconsideration in the hands of the Tribunal as the judgment referred to the in the order of the Tribunal has no application to the facts of the present case.

6. In the result, the Writ Petition is allowed and the order of the Tribunal is set aside

and the matter is remitted back to the Tribunal for fresh consideration. The learned Tribunal shall issue notice to the parties concerned and pass appropriate orders after hearing the parties within a period of three (03) months from the date of receipt of a copy of this order. No costs.

(G.BIKSHAPATHY, J.)

9th March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. Madanepalle Municipality, represented by its Commissioner,
   Madanepalle, Chittoor District.

2 The Registrar, A.P. Administrative Tribunal, Hyderabad.

3 1 CC to MR.NEWTON

4 2 CD copies

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